

# JOURNAL OF THE HOUSE.

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Wednesday, December 31, 2014.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of  
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

## *Communications.*

### Communications

Northeastern  
University,—  
boathouse.

From Northeastern University (under Chapter 645 of the Acts of 1986) relative to the lease entered into by and between the Commonwealth of Massachusetts and Northeastern University for the University Boathouse;

Technology  
Development  
Collaborative.

From the Massachusetts Technology Development Collaborative (see Section 8 of Chapter 40J of the General Laws) submitting its annual report for the fiscal year 2014; and

Technology  
Development  
Corporation.

From the Massachusetts Technology Development Corporation (MassVentures) (under Section 6 of Chapter 40G of the General Laws) submitting its annual report for the fiscal year 2014;

Severally were placed on file.

## *Reports.*

Comptroller,—  
C.A.F.R. for  
FY 2014.

The annual report of the Office of the Comptroller (under the provisions of Section 12 (c) of Chapter 7A of the General Laws) submitting the Commonwealth's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2014; and

### Reports

Campaign  
finance.

Of the Campaign Finance and Disclosure Task Force established (under Section 29 of Chapter 210 of the Acts of 2014) to undertake a study of campaign finance and disclosure issues;

Dental  
insurance.

Of the Special Commission on Dental Insurance established (under Section 164 of Chapter 38 of the Acts of 2013) to review carrier contracts with dental providers, the methods by which dental providers are reimbursed for services provided to persons covered under the carriers' dental plans and other related matters;

MassTech,—  
internships.

Of the Massachusetts Technology Development Collaborative (under Item 7007-1200 contained in Section 2 of Chapter 238 of the Acts of 2012) relative to the MassTech Internship Partnership program;

MassTech,—  
mentoring.

Of the Massachusetts Technology Development Collaborative (under Item 7007-1200 contained in Section 2 of Chapter 238 of the Acts of 2012) relative to the MassTech Innovation Mentoring Initiative;

MassTech,—  
entrepreneurs.

Of the Massachusetts Technology Development Collaborative (under Section 104 of Chapter 287 of the Acts of 2014) providing an update on the Global Entrepreneur in Residence Pilot Program; and

MassTech,—  
mentoring.

Of the Massachusetts Technology Development Collaborative (under Item 7002-1508 contained in Section 2 of Chapter 287 of the

Acts of 2014) relative to the Innovation Mentoring Initiative efforts to provide advice and training from successful, experienced entrepreneurs for start-up enterprises that create a talent pipeline to technology start-ups and innovation companies;

Severally were placed on file.

*Papers from the Senate.*

The House relative to direct wine shipper licenses (House, No. 4571), came from the Senate passed to be engrossed, in concurrence, with amendments in line 8 and in line 11, the second time it appears, striking out the word “a” and inserting in place thereof the word “each”; in each instance; and adding the following section:

Direct wine shipper licenses.

“SECTION 2. This act shall take effect as of January 1, 2014.”

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading. Said committee then reported that the amendments were correctly drawn.

Mr. Scibak of South Hadley then moved that the House concur with the Senate in its amendments with a further amendment by striking out all after the enacting clause and inserting in place thereof the following:

“Section 19B of chapter 138 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out all after the enacting clause and inserting in place thereof the following:

(g)(6) at wholesale in kegs, casks, barrels or bottles to a person licensed pursuant to section 12, 13 or 14; (7) at wholesale for the sole purpose of resale in containers in which wine was delivered to any person licensed pursuant to section 15; (8) at wholesale to a person licensed pursuant to 19 or 19B; (9) at wholesale to churches and religious societies, educational institutions, incorporated hospitals, homes for the aged, manufacturers of food products and manufacturers of drugs and chemicals pursuant to section 28; or (10) at wholesale to a registered pharmacist holding a certificate of fitness pursuant to section 30.”

The further amendment was adopted.

The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendment.

The Senate Bill further regulating town meeting notices (Senate, No. 2121, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendment (adding the following paragraph:

Town meeting notices.

“(d) Within 10 days of a declaration to recess and continue a town meeting pursuant to this section, the emergency management director of the town in which the declaration was made shall submit a report to the attorney general that sets forth the reasons why the declaration was made.”), with a further amendment striking out the words “the emergency management director” (inserted by amendment by the House); and inserting in place thereof the words “a local public safety official designated by the board of selectmen”.

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

The House Bill relative to the sterilization of musical instruments in schools (House, No. 4384), came from the Senate passed to be engrossed, in concurrence, with an amendment in lines 5 and 6, striking

Musical instruments,—sterilization.

Musical instruments,—sterilization.

out the words “, while the musical wind instrument was sanitized, it may also” and inserting in place thereof the words “the musical wind instrument may”.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Said committee then reported that the amendment was correctly drawn; and it was adopted, in concurrence.

Marc Glazebrook,—sick leave.

A Bill establishing a sick leave bank for Marc Glazebrook, an employee of the Department of Correction (Senate, No. 2418) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton for said committee then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Kafka, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Lobsters,—processing.

A Bill regulating the processing of lobsters (Senate, No. 2422) (on Senate bill No. 1979), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Clinton,—treasurer.

A Bill authorizing the board of selectmen of the town of Clinton to appoint a town treasurer (Senate, No. 2377) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

#### *Reports of Committees.*

By Ms. Hogan of Stow, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

David Ogar,—sick leave.

Petition (accompanied by bill) of Daniel Cullinane and Brian A. Joyce for legislation to establish a sick leave bank for David Ogar, an employee of the Department of Transportation. To the committee on Public Service.

Noonan bridge.

Petition (accompanied by bill) of Gailanne M. Cariddi and Benjamin B. Downing for legislation to designate a certain bridge in the town of Lanesborough as the Sergeant Gregory Aloysius Noonan bridge. To the committee on Transportation.

Under suspension of the rules, on motion of Ms. Peisch of Wellesley, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Templeton,—reuse committee.

By Ms. Peake of Provincetown, for the committee on Municipalities and Regional Government, on a joint petition, a Bill relative to the Templeton Developmental Center Reuse Committee (House, No. 4565). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Marie Silva, an employee of the Department of Developmental Services (House, No. 4570). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Marie  
Silva,—  
sick leave.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Michlewitz of Boston, for the committee on Public Service, on Senate, No. 2387, a Bill relative to the appointment of special police officers in the town of Millbury (House, No. 4572) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Millbury,—  
special police  
officers.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to adjusting the number of racing days at Suffolk Downs (Senate, No. 2421), ought to pass with amendments in section 1, in line 6, by striking out the following: "July 31, 2016" and inserting in place thereof the following: "March 31, 2015"; and, in lines 6 and 7, by striking out the following: "December 31 of each year" and inserting in place thereof the following: "March 31"; and in section 3, in line 21, by striking out the following: "July 31, 2016" and inserting in place thereof the following: "March 31, 2015". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

Suffolk  
Downs,—  
simulcasting.

Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kafka, the bill was read a second time forthwith. The amendments recommended by the committee on Ways and Means then were adopted; and the bill, as amended, was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Scibak of South Hadley, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence in the amendments.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the following bills ought to pass:

To improve access to child and adolescent mental health services (Senate, No. 2416); and

Adolescents,—  
mental health.

Belchertown,—  
land.

Authorizing the Division of Capital Asset Management and Maintenance to grant to the town of Belchertown a certain parcel of land in the town of Belchertown (House, No. 4548);

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Mr. Kafka of Stoughton, for said committee, then reported that the matters be scheduled for consideration by the House.

Under suspension of the Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Senate bills

Winchendon,—  
finances.

Relative to the financial condition of the town of Winchendon (Senate, No. 2363, amended) [Local Approval Received];

Dartmouth,—  
special police.

Authorizing the appointment of special police officers in the town of Dartmouth (Senate, No. 2405) [Local Approval Received]; and

Falmouth,—  
sewer  
service.

Authorizing the town of Falmouth to expend borrowed funds to offset certain costs associated with the installation of low pressure pumps on private property in the little pond sewer service area (Senate, No. 2412) [Local Approval Received];

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

#### *Orders of the Day.*

Banking  
laws.

The Senate amendments of the engrossed Bill modernizing the banking laws and enhancing the competitiveness of state-chartered banks (see House, No. 4110, amended) (in section 5, in line 15 [as appearing in Senate document numbered 2378], striking out the figure “1206” and inserting in place thereof the figure “1026”; in section 16, in line 75 [as appearing in Senate document numbered 2378], striking out the following: “federal Community Reinvestment Act of 1977” and inserting in place thereof the following “community reinvestment act in section 14”; inserting after section 27 [as appearing in Senate document numbered 2378] the following section:

“SECTION 27A. The second paragraph of section 3 of said chapter 167B, as so appearing, is hereby amended by striking out the last sentence.”;

In section 30, in lines 359 and 360 [as appearing in Senate document numbered 2378], striking out the following: “; provided, however, that ‘financial institution’ shall mean a bank for the purposes of the first, second and third paragraphs of section 3 and for the purposes of section 4”;

In section 35, in line 834 [as appearing in Senate document numbered 2378] [as changed by the House committee on Bills in the Third Reading] striking out the following “; provided, however, such” and inserting in place thereof the following: “. If, in the opinion of the commissioner, there is an unusual demand by depositors for withdrawals, the bank shall upon the commissioner’s order require such a

depositor to give written notice of the depositor's intention to withdraw the whole or any part of such deposits or to apply for a loan secured by such deposit. Such";

In section 51, in line 1140, also in section 53, in line 2212 [as appearing in Senate document numbered 2378] striking out the word "consistent", in each instance, and inserting in place thereof the words "not inconsistent"; and by adding the following section:

"SECTION 65. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall prohibit a gaming licensee from (i) installing, owning or operating an automated teller machine in the gaming area, as defined in section 2 of chapter 23K of the General Laws, or (ii) allowing another person to install, own or operate an automated teller machine in the gaming area, as defined in said section 2 of said chapter 23K. For the purposes of this section, the prohibition shall include, but not be limited to, an automated teller machine or electronic branch of any state or federally-chartered bank, state or federally-chartered credit union or foreign bank."), reported by the committee on Bills in the Third Reading to be correctly drawn, were considered.

At the request of Mr. Kafka of Stoughton, the amendments were divided.

The House then non-concurred with the Senate in its amendments inserting section 27A, as follows:

"SECTION 27A. The second paragraph of section 3 of said chapter 167B, as so appearing, is hereby amended by striking out the last sentence."; and adding section 65, as follows:

"SECTION 65. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall prohibit a gaming licensee from (i) installing, owning or operating an automated teller machine in the gaming area, as defined in section 2 of chapter 23K of the General Laws, or (ii) allowing another person to install, own or operate an automated teller machine in the gaming area, as defined in said section 2 of said chapter 23K. For the purposes of this section, the prohibition shall include, but not be limited to, an automated teller machine or electronic branch of any state or federally-chartered bank, state or federally-chartered credit union or foreign bank.".

The House then concurred with the Senate the adoption of the residue of the amendments. Sent to the Senate for its action.

The Senate amendment of the House Bill relative to the indemnification of certain fire districts (House, No. 3953), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Fire districts,—  
indemnification.

The Senate amendment of the House Bill promoting housing and support services to unaccompanied homeless youths (House, No. 4517), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Unaccompanied  
homeless  
youths.

The Senate amendments of the House Bill relative to the sharing of information by the Registry of Motor Vehicles (House, No. 4521), reported by the committee on Bills in the Third Reading to be correctly drawn, were adopted, in concurrence.

R.M.V.—  
information.

Third  
reading  
bill.

The Senate Bill to clarify the definition of a personal care attendant (Senate, No. 2277, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

#### House bills

Third  
reading  
bills.

Relative to physician assistants and interscholastic athletic head injuries (House, No. 1983); and

Further protecting consumers of the Commonwealth (House, No. 4277) (its title having been changed by the committee on bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Notaries  
public.

The Senate Bill regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments (Senate, No. 2306), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Speliotis of Danvers moved to amend it in section 3, after line 44, by inserting the following paragraph:

“‘Notarial certificate’ or ‘certificate’, the part of the or attachment to a notarized document for completion by the notary that bears the notary’s signature and seal and states the venue, date and facts that are attested by the notary in a particular notarial act or notarization.”; in lines 75 and 76, by striking out the words “shall be appointed by the secretary of the commonwealth”; in section 7 (as published), in lines 228 to 234, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(vi) the notary public will receive as a direct result of the notarial act any commission, fee, advantage, right, title, interest, cash, property or other consideration exceeding the maximum fees enumerated in section 41 of chapter 262 or any other general or special law or executive order, or has any financial interest in the subject matter of the document; provided, however, that this section shall not preclude a notary public who is licensed as an attorney in the commonwealth or who is employed by an attorney so licensed from notarial acts relative to any document in connection with which the attorney receives a legal fee for professional legal services; or” ; and, in line 348, by striking out the following: “section 24” and inserting in place thereof the following: “section 41 of chapter 262 or any other general or special law or executive order”.

The amendments were adopted; and the bill (Senate, No. 2306, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments.

Audrey  
Graham  
Smith,—  
sick leave.

The House Bill establishing a sick leave bank for Audrey Graham Smith, an employee of the Executive Office of Health and Human Services (House, No. 4562) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Kuros of Uxbridge moved to amend it by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the executive office of health and human services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendment was adopted; and the bill (House, No. 4562, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing a sick leave bank for Lisa Renaud, an employee of the Department of Correction (House, No. 4566) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Lisa  
Renaud,—  
sick leave.

Pending the question on passing the bill to be engrossed, Mr. Durant of Spencer moved to amend it by substitution of a bill with the same title (House, No. 4573), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

#### *Emergency Measures.*

The engrossed Bill establishing a sick leave bank for Marc Glazebrook, an employee of the Department of Correction (see Senate, No. 2418), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Marc  
Glazebrook,—  
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

The engrossed Bill adjusting the number of racing days at Suffolk Downs (see Senate, No. 2421, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Suffolk  
Downs,—  
simulcasting.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

The engrossed Bill relative to direct wine shipper licenses (see House, No. 4571, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Direct wine  
shippers.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Engrossed Bills.*

Bill  
re-enacted.

The engrossed Bill to improve criminal laws relative to organized retail theft (see House, No. 1474, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

Mr. Kafka of Stoughton being in the Chair,—  
The engrossed Bill relative to the sharing of information by the Registry of Motor Vehicles (see House, No. 4521, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bills  
enacted.

Mr. Donato of Medford being in the Chair,—  
Engrossed bills  
Relative to the indemnification of certain fire districts (see House, No. 3953);  
Modernizing the banking laws and enhancing the competitiveness of state-chartered banks (see House, No. 4110, amended);  
Relative to insurance holding companies (see House, No. 4214);  
Relative to the sterilization of musical instruments in schools (see House, No. 4384, amended);  
Authorizing the board of selectmen of the town of Clinton to appoint the town collector (see House, No. 4507);  
Promoting housing and support services to unaccompanied homeless youths (see House, No. 4517, amended);  
Authorizing the Massachusetts Water Resources Authority to release an easement upon certain real property in the city of Quincy (see House, No. 4525);  
Authorizing the town of Provincetown to designate a check-off box on its tax bills (see House, No. 4534);  
Relative to the sale of distilled spirits at auction (see House, No. 4544);  
and  
Repealing the city of Lowell financial conditions act (see House No. 4550);  
(Severally which originated in House);  
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M. Next  
sitting.

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At twenty-five minutes after three o'clock P.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.